

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAY A. VANATTA,	:	CIVIL ACTION
	:	
Petitioner,	:	
	:	
v.	:	
	:	NO. 10-1883
COMMONWEALTH OF PENNSYLVANIA, et al.	:	
	:	
Respondents.	:	

**ORDER**

AND NOW, on this 28<sup>th</sup> day of December, 2010, upon consideration of Petitioner Ray A. Vanatta's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1), United States Chief Magistrate Judge Thomas J. Rueter's Report and Recommendation dated September 29, 2010 (Doc. No. 11), Petitioner's objections thereto (Doc. No. 14), and all related filings, and for the reasons in the accompanying Memorandum on Petition for Writ of Habeas Corpus, it is hereby ORDERED as follows:

1. The Report and Recommendation (Doc. No. 11) is APPROVED and ADOPTED;
2. Petitioner's Objections to the Report of Recommendation (Doc. No. 14) are OVERRULED;
3. Petitioner's Petition for Writ of Habeas Corpus (Doc. No. 1) is DENIED with prejudice and DISMISSED without an evidentiary hearing;
4. Petitioner's Petition for Appointment of Counsel (Doc. No. 15) is DENIED;
5. There is no probable cause to issue a certificate of appealability;

6. The Clerk shall mark this matter as CLOSED for statistical purposes.

BY THE COURT:

s/Michael M. Baylson

---

Michael M. Baylson, U.S.D.J.

O:\Todd\10-1883 Vanatta v. Commonwealth\Vanatta - Habeas Order.wpd